

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

November 27, 2012

Lyle W. Cayce
Clerk

No. 12-10095

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LAFAYETTE SHEPPARD,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:10-CR-6-1

Before SMITH, PRADO, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Lafayette Sheppard, federal prisoner #41284-177, appeals the district court's denial of a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) based upon the amendment to the Guidelines that implemented the Fair Sentencing Act of 2010. Sheppard maintains that he is entitled to a reduction to his sentence based upon the crack cocaine amendments. He thus asserts that the district court abused its discretion in denying his § 3582(c)(2) motion.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 12-10095

“The crack cocaine guideline amendments do not apply to prisoners sentenced as career offenders.” *United States v. Anderson*, 591 F.3d 789, 791 (5th Cir. 2009); *see also United States v. Webb*, 425 F. App’x 406, 407 (5th Cir. 2011) (relying on *Anderson* to affirm the denial of a § 3582(c)(2) motion under Amendment 750 where the appellant was sentenced as a career offender). Sheppard’s sentence was based not on the amount of drugs, but on his status as a career offender. Thus, the district court did not abuse its discretion in denying Sheppard’s § 3582(c)(2) motion. *See United States v. Evans*, 587 F.3d 667, 672 (5th Cir. 2009). Accordingly, the judgment of the district court is AFFIRMED.